

# OFFICE OF THE ATTORNEY GENERAL



*Physical Therapy*  
*80-00316*

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APR 9 1980

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Mr. Robert S. Harden  
Alabama State Board of  
Physical Therapy  
Route 2, Box 115-J  
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Physical Therapy Board -  
Licenses

The term "shall" relating  
to Physical Therapy Board's  
authority to revoke, suspend,  
or refuse license is mandatory.

Dear Mr. Harden:

I have received your recent letter in which you request  
an Attorney General's advisory opinion construing Section 11  
of Act No. 622, Acts of Alabama 1969, page 1128.

Section 11 of Act No. 622, which is codified as  
Code of Alabama 1975, §34-24-17, provides as follows:

The Board shall refuse to issue a license  
to any person and, after notice and hearing  
in accordance with its regulations and rules,  
shall suspend or revoke the license of any  
person who has ... [eleven grounds enumerated]...  
(Emphasis added).

The term "shall" as used in this section is mandatory.  
If the Board finds after notice and hearing that a licensee  
meets any of the eleven enumerated grounds for revocation,  
the Board must either suspend or revoke his or her license.  
Likewise, if the Board finds that any applicant for a  
license meets any of the eleven grounds, the Board must  
refuse to issue a license to the applicant.

Mr. Robert S. Harden  
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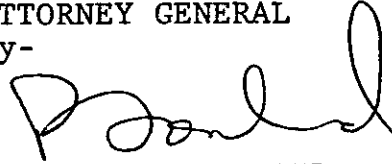
The Board's duty under §34-24-217 is twofold. First, it must determine under the facts of a particular case whether or not any subsection of the section has been violated. If so, the Board must then revoke or suspend the licensee's license, or refuse to license the applicant. Once the Board determines that a violation has occurred, refusal, revocation, or suspension is mandatory.

I hope this answers your question. If I can be of further assistance, please call on me.

Sincerely,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-

A handwritten signature in dark ink, appearing to read 'Ronald C. Forehand', written over the 'By-' line.

RONALD C. FOREHAND  
ASSISTANT ATTORNEY GENERAL

RCF/sg